



IN THE COMPETITION

Case No: 1299/1/3/18

APPEAL TRIBUNAL

BETWEEN

ROYAL MAIL PLC

Appellant

-v-

OFFICE OF COMMUNICATIONS

Respondent

-and-

WHISTL UK LIMITED

Intervener

ORDER

UPON reading the reading the notice of appeal filed by Royal Mail on 12 October 2018 against Ofcom’s Decision of 14 August 2018 in Case CW/01122/01/14 *Discriminatory pricing in relation to the supply of bulk mail delivery services in the UK* (the “Decision”)

AND UPON reading the submissions of the parties filed in advance of the case management conference (“CMC”) on 7 November 2018

AND UPON hearing counsel for the parties at the CMC

IT IS ORDERED THAT:

Forum

1. The appeal be treated as proceedings in England and Wales.

Intervention

2. Whistl has permission to intervene in support of Ofcom.

Confidentiality

3. The parties are to liaise with regard to any proposed amendments to the draft confidentiality ring order with a view to reaching agreement of the same. There shall be liberty to apply for any disagreements to be addressed by the Tribunal in writing or at a further hearing.

Future conduct of the appeal

4. By no later than 10 December 2018, Ofcom shall file and serve its Defence and accompanying evidence.
5. By no later than 11 January 2019, Whistl shall file and serve its Statement of Intervention.
6. By no later than 8 February 2019, Royal Mail shall file and serve its Reply.
7. By no later than 8 March 2019, experts of like discipline shall meet to discuss the areas of agreement and disagreement in their respective reports.
8. By no later than 22 March 2019, experts of like discipline shall produce and file with the Tribunal a document indicating points of agreements and disagreement between them following the aforementioned meetings.
9. A further CMC shall be listed on 27 or 29 March 2019, with a time estimate of up to one day.
10. A Pre-Trial Review shall be listed in the period 29 April 2019 to 1 May 2019, with a time estimate of up to half a day.
11. The parties shall advise the Tribunal as soon as possible in the event that the further CMC and/or Pre-Trial Review referred to above becomes otiose.
12. The main hearing of the appeal shall be listed for a five-week period between 4 June and 9 July 2019 (excluding pre-reading and including non-sitting days). The Tribunal will not sit on (at least) the following days: 21 June 2019 (afternoon), 27 June 2019 (afternoon), 28 June 2019 (all day).

Costs and other matters

13. Royal Mail's and Ofcom's costs of the CMC on 7 November 2018 shall be costs in the case.
14. Whistl shall bear its own costs of the CMC on 7 November 2018.
15. There be liberty to apply.